



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

| COUNCIL MEMBERS | REDEVELOPMENT AGENCY |
|---------------------------------|-----------------------------|
| Dennis Kennedy, Mayor | Dennis Kennedy, Chair |
| Greg Sellers, Mayor Pro Tempore | Greg Sellers, Vice-Chair |
| Larry Carr, Council Member | Larry Carr, Agency Member |
| Hedy Chang, Council Member | Hedy Chang, Agency Member |
| Steve Tate, Council Member | Steve Tate, Agency Member |

WEDNESDAY, NOVEMBER 3, 2004

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

6:00 P.M.

A Special Meeting of the City Council and Redevelopment Agency is Called at 6:00 P.M. for the Purpose of Conducting Closed Sessions.

Dennis Kennedy, Mayor/Chairman

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

6:00 P.M.

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Authority: Government Code Sections 54956.9(b) & (c)
Number of Potential Cases: 4

2.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Government Code Section 54956.9(a)
Case Name: General Lighting Service, Inc. v. Wells Construction, City of Morgan Hill, et al.
Case Number: Santa Clara County Superior Court, 1-04-CV-025561

3.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Government Code Section 54956.9(a)
Case Name: Halstead Drywall, Inc. v. Wells Construction, City of Morgan Hill, et al.
Case Number: Santa Clara County Superior Court, 1-04-CV-026030

4.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Government Code Section 54956.9(a)
Case Name: The Don Chapin Company v. Stevelle Construction, City of Morgan Hill, et al.
Case Number: Santa Clara County Superior Court, 5-04-CV-000790

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Morgan Hill National Family Week
David Wilson

Hunger & Homelessness Awareness Week
President and CEO of Emergency Housing Consortium, Barry Del Buono

AWARDS

Morgan Hill Cycling and Trail Awareness Award
Karl Bjarke

CITY COUNCIL REPORT

Council Member Tate

CITY COUNCIL SUB-COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

ITEMS 1-10 The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

1. **BI-ANNUAL VACANCY RATE SURVEY** **1**
Recommended Action(s): Establish the Bi-Annual Vacancy Rate for October 2004 as Recommended by the Planning Commission.
2. **ANNEXATION APPLICATION, ANX-03-01: HILL-GERA** **11**
Recommended Action(s): Adopt Resolution Approving Annexation.
3. **APPROVE CONSULTANT AGREEMENT AMENDMENT WITH HARRIS & ASSOCIATES FOR 2003/2004 PAVEMENT RESURFACING PROJECT** **25**
Recommended Action(s): Approve Consultant Agreement Amendment with Harris and Associates for Providing Additional Construction Inspection Services for the 2003-2004 Pavement Resurfacing Project.

| | Time Estimate | Page |
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| | Consent Calendar: 1 - 10 Minutes | |
| 4. | <u>APPROPRIATE FUNDS FOR THE COYOTE CREEK TRAIL CONNECTION PROJECT</u> Recommended Action(s): <u>Appropriate</u> \$12,000 From the Current Year Un-Appropriated Street Fund (202) Balance to Cover Non-Grant Related Costs Associated with This Project. | 27 |
| 5. | <u>REJECTION OF BIDS FOR SANITARY SEWER ROOT TREATMENT ABATEMENT PROJECT</u> Recommended Action(s): <u>Reject</u> the Bid Received on October 14, 2004 for the Sanitary Sewer Root Abatement Project. | 31 |
| 6. | <u>RESOLUTION AMENDING CITY'S CONFLICT OF INTEREST CODE REPORTING CATEGORIES</u> Recommended Action(s): <u>Adopt</u> Resolution Amending the List of Positions Subject to the City's Conflict of Interest Code. | 33 |
| 7. | <u>AWARD OF CONTRACT FOR THE 2004-2005 SIDEWALK, CURB AND GUTTER REMOVAL AND REPLACEMENT PROJECT</u> Recommended Action(s): 1. <u>Award</u> Contract to QLM, Inc. for the Construction of the 2004-2005 Sidewalk, Curb and Gutter Removal and Replacement Project in the Amount of \$94,553; and 2. <u>Authorize</u> Expenditure of Construction Contingency Funds Not to Exceed \$9,457. | 39 |
| 8. | <u>UPDATE ON DEVELOPMENT PROCESSING SERVICES STUDY IMPLEMENTATION</u> Recommended Action(s): 1. <u>Accept</u> Report on the Implementation Status of Development Processing Services Study Recommendations; and 2. <u>Direct</u> Staff to Report Back on the Implementation Status in May 2005. | 53 |
| 9. | <u>APPROVE JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF OCTOBER 20, 2004</u> | 63 |
| 10. | <u>APPROVE SPECIAL CITY COUNCIL MEETING MINUTES OF OCTOBER 27, 2004</u> | 75 |

Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 11-12

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| | Consent Calendar: 1 - 10 Minutes | |
| 11. | <u>RELEASE OF BID FROM ABCO CONSTRUCTION AND REJECT ALL BIDS FOR THE HISTORIC LaMALFA HOUSE MOVE</u> Recommended Action(s): 1. <u>Release</u> ABCO Construction from their August 25, 2004 Formal Bid for the LaMalfa House Move Project; and 2. <u>Reject</u> All Other Bids. | 77 |

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| Time Estimate | Page |
| Consent Calendar: 1 - 10 Minutes | |

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| 12. | <u>AWARD PURCHASE ORDER FOR THE LaMALFA HOUSE MOVE PROJECT</u> | 79 |
| | <u>Recommended Action(s):</u> | |
| | 1. In Accordance with Section 3.04.150(A) of the City Municipal Code, <u>Determine</u> that the Competitive Bid Process for the LaMalfa House Relocation Project would not likely result in a Lower Price to the City from a Responsible Bidder and/or would Cause Unnecessary Expense or Delay of the Project; | |
| | 2. <u>Approve</u> a Purchase Order in the Amount of \$37,000 with Kelly House Movers for Relocating the LaMalfa House; and | |
| | 3. <u>Authorize</u> a \$6,000 Contingency Fund. | |

City Council Action

PUBLIC HEARINGS:

- | | | | |
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| | Time Estimate | | Page |
| 13. | 5 Minutes | <u>DEVELOPMENT AGREEMENT AMENDMENT, DAA-03-09: NATIVE DANCER-QUAIL MEADOWS</u> Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Motion to Waive</u> the Reading in Full of Development Agreement Ordinance. Action- <u>Motion to Introduce</u> Development Agreement Ordinance by Title Only. (Roll Call Vote) | 81 |
| 14. | 5 Minutes | <u>OUT OF URBAN SERVICE AREA REQUEST, OSR-04-01: HOLIDAY-CORBIN</u> Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Adopt</u> Resolution of Approval. | 95 |
| 15. | 5 Minutes | <u>OUT OF URBAN SERVICE AREA REQUEST, OSR-04-02: MONTEREY-SUH</u> Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Adopt</u> Resolution of Approval. | 107 |
| 16. | 10 Minutes | <u>ZONING AMENDMENT, ZA-04-19: TEXT AMENDMENT TO THE SUBDIVISION ORDINANCE</u> Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Motion to Waive</u> the Reading in Full of Ordinance. Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote) | 119 |

Redevelopment Agency Action

OTHER BUSINESS:

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| 17. | 10 Minutes | <u>LOAN TO MILLENNIUM HOUSING</u> <u>Recommended Action(s):</u> <u>Authorize</u> the Executive Director to do Everything Necessary to Execute the Required Agreements with Millennium Housing for a \$1.2 Million Loan, Including Making Modifications; Subject to Review and Approval by Agency Counsel. | 127 |

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT